

June 21, 2012

**To:** Honorable Members of the Sussex County Board of Supervisors  
**From:** Thomas E. Harris, County Administrator  
**Subject:** Sussex County Board of Supervisors  
Public Hearing – 7:00 p.m. / Regular Meeting – 7:30 p.m.  
June 21, 2012  
General District Court Room – Sussex Judicial Center

---

---

**AGENDA**

---

---

**Item 1. 7:00pm Call To Order/Determine Quorum – Chairman**

---

---

---

**Item 2. The Invocation and Pledge of Allegiance**

---

---

---

**Item 3. Motion to Enter Public Hearing**

---

---

---

- a. Conditional Rezoning Application #2012-01, Willow Woods, LLC, applicant: The applicant seeks to rezone approximately 146.79 acres, part of tax map number 13-(A)-5 from A-1, General Agricultural District and B-2, General Business District to Planned Unit Development (PUD). Consistent with the Comprehensive Plan’s future land use designation the rezoning of the aforementioned property will allow for the construction of a mixed use development, consisting of approximately 175 single-family units, 296 multi-family units, 400 senior housing units, recreational amenities, commercial development, and a fire station, which are to be completed in (4) phases over a (20) year period. The applicant has voluntarily proffered several conditions to be attached to the zoning request, if approved. The property in question is located at the intersection of Route 602 (Cabin Point Road) and Route 625 (Newville Road) in the Courthouse Election District.

**Recommendation:** The Planning Commission at their meeting on May 7, 2012 recommended approval (5-0, with one abstention) of Conditional Rezoning Application #2012-01, subject to the applicant’s proffered conditions, for the reasons outlined in the full staff report.

---

---



---

---

**Item 10. Approval of Regular Agenda**

**Recommendation:** Move to approve the Sussex County Board of Supervisors June 21, 2012 Regular Meeting Agenda, as presented (or with any amendments).

---

---

---

**Item 11. Approval of Consent Agenda**

- a. Approval of Appropriations
  - 1. 2011 Four For Life Funding Appropriation: \$10,009.30
  - 2. Restoration of Funds: \$4,712.10, Sheriff's Department
  - 3. Restoration of Funds: \$100.00, Sheriff's Department
  - 4. Appropriation of Funds: \$720.00, DARE Expense Item
  - 5. Appropriation of Funds: \$258.21, Sheriff's Department
  - 6. Appropriate DMV Highway Safety Grant 154AL 12 52290, \$7,198.00
  - 7. Approval of Reimbursement for District Court Judge - \$ 2,000.00
  - 8. Appropriation of Federal Engineering Invoice #2012-2-2731, \$12,240.00  
(Completion of Communications Needs Assessment Interviews)
  - 9. Approve payment to Oyster Point Construction, \$708,168.20, Elementary School
  - 10. Approve payment to Sun Pipe Video, \$3995.00, Elementary School
  - 11. Approve payment to G E T Solutions, \$2,950.00, Elementary School
  - 12. Approve payment to Speight Marshall & Francis, \$2,000.00, Elementary School
  - 13. Approve payment to Rancorn Wildman, \$6,522.75
  
- b. Approval of Warrants and Vouchers
  
- c. Resolution(s)
  - 1. **Support of The Improvement Association Head Start Program for Grant Application:** Attached

**Recommendation:** Move to approve the consent agenda as submitted and herein described.

---

---

---

**Item 12. Standing Report: Staff/Committees/Organization**

**Item 12a. VDOT PRESENTATION:** Update on Interstate 95 Tolls: Michael A. Estes, P.E., will be present to provide an update on the Interstate 95 Tolls project.

---

---

---

---

**Item 12b. SUSSEX COUNTY SERVICE AUTHORITY REPORT:** Frank Irving, Director will be present to provide an annual update and status report of the Service Authority projects.

---

---

**Item 12c. Health Department:** Included in the Board’s packet is a brief biographical sketch of Dr. Alton Hart, Jr., MD, MPH, the new director of Crater Health District. Dr. Hart will begin work the first week of July. A meeting has been scheduled with Dr. Hart and other members of his staff, for July 5<sup>th</sup> in the conference room of the County Administrator on July 5<sup>th</sup>.

**Item 12d. County Administrator’s Report**

1. I am pleased to inform the Board of Supervisors that Sussex County has been successful in acquiring two grants to help address the growing needs of the County:
  - a. Henry Technology Park Tobacco Commission Grant: Awarded in the amount of \$135,000.00 this is an allocation from the accumulated Commission Funds set aside annually for Sussex County (it will not affect our application for future Commission Funding)
  - b. Housing Grant: Mrs. Brenda Drew and the County’s Housing Department have been awarded a \$15,000.00 Grant for Organizational Development and hiring of a Consultant to develop a Housing Strategic Planning. The grant is for a six month period.

I would like to take this opportunity to both acknowledge and congratulate our staff for their hard work and persistence with a special thanks to Andre Greene and Brenda and their respective staffs for their grantsmanship.

**Recommendation:** To accept and approve both Grants and direct the County Administrator to complete all necessary documentation and submit on behalf of the County of Sussex.

---

---

---

**Item 12e. County Attorney’s Report**

- a. **Resolution for Part-time Finance Director** – Please find attached a Resolution for the Part-time Finance Director as directed and agreed to by the Board of Supervisors at its June 11, 2012 Meeting. I have reviewed the Resolution with Mr. Woodruff and therefore, if this accurately conveys the Board’s intent I would ask that the Board approve the Resolution as submitted.

- b. **Mega site** – The County Administrator and I have begun the process of setting a closing date for the purchase of the Mega-site as agreed to by the Board of Supervisors and the property owners. Mr. Greene has provided a copy of the Grant and we are now finalizing the County’s requirements, timelines etc. To better facilitate this transaction in the most effective and safest way I am requesting approval to obtain the services of McGuire Woods (summary attached).

If the Board agrees I would ask for a motion to approve the use of McGuire Woods as they have a working knowledge of the County and completed the Bond issuance for the new Elementary School.

- c. **Coyote Ordinance** – A Draft Ordinance has been completed and reviewed by the County Administrator. Currently, Animal Control is reviewing the Draft and once completed it will be provided to the Governing Body for disposition.
- d. **Title Search on Wakefield Property** – Due to time constraints this matter has not been completed. In conversation with the County Administrator he raised the issue of asking the Board to determine if they are interested in the sale of the property.

**Item 12f.** Treasurer’s Report - *report included*

**Item 12g.** Commissioner of the Revenue – *no report at this time*

**Item 12h.** Sheriff’s Department – *no report at this time*

**Item 12i.** Superintendent of School – *no report at this time*

**Item 12j.** Director of Social Services – *no report at this time*

**Item 13. Appointments**

- a. **Appointment to Planning Commission:** An appointment is needed to replace Mr. Charles S. Owen, Jr., whose term expired April 30, 2012. Mr. Owen does not wish to serve again.

*(Please be advised that the Board had previously asked that the proposed By-Laws be tabled for a later date. These revisions were made in an attempt to have equal representation from each District without requiring the dismissal on sitting members).*

**Recommendation:** To determine if the Board would choose to approve the new Planning Commission By-Laws before making an appointment to the Planning Commission to replace Mr. Charles S. Owen, Jr.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Appointments to Social Services Board:** The terms of Mrs. Delores Spain, 13469 Jerusalem Plank Road, Waverly VA and Mr. Norfleet Givens, 28183 Proctor Road, Emporia VA, as members of the Social Services Board, will expire on June 30, 2012. Social Services staff has confirmed that both are eligible for reappointment and staff has been advised by both Mrs. Spain and Mr. Givens that they would like to be reappointed.

**Recommendation:** To approve of the reappointments of Mrs. Delores Spain and Mr. Norfleet Givens to the Social Services Board, terms expiring June 30, 2016.

---

---

---

- c. Appointment to Virginia's Gateway Region Board of Directors:** Please find attached a letter from Ms. Renee Chapline, Executive Director regarding the appointment of Mr. Martin Harrell.

**Recommendation:** To approve an appointment to replace Mr. Martin Harrell expiring December 31, 2011.

---

---

---

- d. Appointment to Industrial Development Authority Board of Directors:** The term of Edmond Curley, 9407 Sussex Drive, Stony Creek VA, expired May 15, 2012. Staff has spoken with Mr. Curley and he has agreed to serve another term.

**Recommendation:** To approve of the reappointment of Mr. Edmond Curley to the Industrial Development Authority Board of Directors, term expiring May 15, 2016.

---

---

---

- e. Sussex County Service Authority:** Please be advised that the Board will need to appoint a new Board Alternate to the Service Authority and a new citizen Alternate based on the attached correspondence from Executive Director Frank Irving.

1. Raymond Warren (Board of Supervisors Member) - Need to appoint someone from the Sussex County Board of Supervisors as an alternate.
2. Bill Collins (At-Large Member) - Bruce Spencer appointment as an alternate is valid until December 31, 2012.

**Recommendation:** To appoint an Alternate for The Honorable Raymond Warren (a current Board of Supervisors Member) and to appoint a Citizen Alternate. Mr. Irving will be at the meeting to answer questions if needed.

---

- 
- 
- f. Appointment to the Equalization Board:** Please be advised that Commissioner of the Revenue Ellen Boone has set up training for the Board of Equalization for June 22<sup>nd</sup> and is waiting for an address and phone number on a Mr. Harrell (nominated by Chairman Tyler). I do not know Mr. Harrell and the meeting recording indicates that it was a Gay Harrell. Chairman Tyler gave me information on a Hunter Harrell but I do not know if they are the same. As such I would ask that this information be provided in writing.

**Recommendation:** To determine which Mr. Harrell and determine if this is the Equalization Appointee.

---

---

---

- g. Appointments to Building Code Appeals Board:** The terms of Mr. Keith C. Blowe, Post Office Box 1306, Sussex VA and Mr. Richard Pond, Post Office Box 14, Waverly VA will expire on June 30, 2012. Staff has contacted both members; Mr. Pond has agreed to serve again, if reappointed. As of this writing, a message had been left for Mr. Blowe.

- h. Recommendation:** To approve of the reappointments of Mr. Pond and Mr. Blowe, term expiring June 30, 2015.
- 
- 
- 

#### Item 14. Unfinished Business

- a. Tax Relief For The Elderly:** Please be advised that due to other issues (completion of the FY 2013 Budget etc.) this item has been put on temporary hold pending a more thorough review.
- 
- 
- 

- b. Virginia Retirement Systems Employer Contribution Rate** (tabled from May 17, 2012 Board meeting)

Recent legislation passed by the General Assembly calls for localities to make certain decisions before July 1, 2012 regarding employer and member retirement contributions which must be neutralized with an equivalent raise up to 5%. The Governor subsequently determined that Local Governments and School Boards can factor these rates in over a five year period or can be done at one time. Based on the financial impact and following the recommendation of the County Administrator the Board of Supervisors approved the payments at 5% and therefore will need to adopt the attached Resolution.

**Recommendation:** To approve the full employer rate (11.78%) and direct the County Administrator to complete all documentation and correspondence as needed.

---

---

---

- c. Irrevocable Election Not To Participate in the Line of Duty Act Fund (LODA)** (tabled from the May 17, 2012 Board meeting). Please find attached a financial summary from VACORP regarding the financial impact of staying or leaving the VRS for LODA coverage. Needless to say I continue to believe VACORP is our best solution.

**Recommendation:** To approve the Irrevocable Election Not To Participate in Line of Duty Act Fund through the VRS, to approve the changing of the County’s Line of Duty coverage to Virginia Association of Counties (VACo) Group Self Insurance Risk Pool (VACORP) and direct the County Administrator to complete all documentation, Resolution revisions and correspondence following Legal review, as needed to insure that the Board’s direction and intent is implemented.

---

---

---

- d. Line of Duty Addendum to Member Agreement/Virginia Association of Counties (VACo) Group Self Insurance Risk Pool** (tabled from May 17, 2012 Board meeting) If the Board approves the transfer from VRS to VACORP for LODA coverage I recommend that the Board approve and authorize the County Administrator to complete all documentation and correspondence as needed.

**Recommendation:** To approve the Line of Duty Addendum to Member Agreement/VACo Group Self Insurance Risk Pool and direct the County Administrator to complete all documentation and correspondence as needed.

---

---

---

**Item 15. New Business**

- 1. Presentation from Improvement Association Staff:** Supervisor Fly has requested that a representative from the Improvement Association attend the meeting to provide more information concerning the funding of the Association.

---

---

---

**Item 16. Reports from Departments/Staff/Commissions**

**A. Animal Control:** (Report included)

---

---

---

**B. Building Department:** (Report included)

---

---

---

**C. Building and Grounds:** Please be advised that Building and Grounds have begun to address several long-standing issues around the Courthouse Complex: Cleaning of Gutters; Fixing water damaged areas; cutting of ivy; painting old rail; painting of complex. Additionally, B&G continue to address our aging HVAC System needs.

---

---

---

**D. Deputy County Administrator/Director of Economic Development:** (Report included)

---

---

---

**E. Environmental Inspections:** (Report included)

---

---

---

**F. Housing Program:** (Report included)

---

---

---

**G. Planning and Zoning:** (Report included)

---

---

---

**H. Public Safety:** (Report included)

---

---

---

**Item 17. Board Members Comments/Reports**

**Blackwater District:**

---

---

---

---

---

**Courthouse:**

---

---

**Henry District:**

---

---

**Stony Creek District:**

---

---

**Wakefield District:**

---

---

**Waverly District:**

---

---

**Item 18. Hearing of Citizens Comments**

---

---

**Item 19. Closed Session**

**Recommendation:** To move into Closed Session to discuss:

- a. Personnel Assignment, applicable Code Section 2.2-3711(A)(1)

**Item 20. Return To Open Session**

**Recommendation:** To move to return to Open Meeting.

**Item 21. Certification of Closed Meeting**

**WHEREAS**, the County of Sussex Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act; and

**WHEREAS**, 2.2-3711 of the Code of Virginia, 1950, as amended, requires a certification by the County of Sussex Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Sussex Board of Supervisors hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies, and (2) only such public business matters, as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

---

---

**Item 22. Motion(s) from Closed Meeting**

---

---

**Item 23. Motion to Continue or Adjourn**

---

---